



House of Representatives

General Assembly

File No. 571

February Session, 2012

Substitute House Bill No. 5350

House of Representatives, April 23, 2012

The Committee on Appropriations reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE EXPANSION OF THE PILOT STUDY OF BEST PRACTICES IN EARLY LITERACY AND CLOSING ACADEMIC ACHIEVEMENT GAPS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5 of public act 11-85 is repealed and the following
2 is substituted in lieu thereof (*Effective July 1, 2012*):

3 (a) As used in this section:

4 (1) "Achievement gaps" means the existence of a significant
5 disparity in the academic performance of students among and between
6 (A) racial groups, (B) ethnic groups, (C) socioeconomic groups, (D)
7 genders, and (E) English language learners and students whose
8 primary language is English.

9 (2) "District performance index" means the sum of the district
10 subject performance indices for mathematics, reading, writing and
11 science.

12 (3) "District subject performance index for mathematics" means
13 thirty per cent multiplied by the sum of the mastery test data of record,
14 as defined in section 10-262f of the general statutes, for a district for
15 mathematics weighted as follows: (A) Zero for the percentage of
16 students scoring below basic, (B) twenty-five per cent for the
17 percentage of students scoring at basic, (C) fifty per cent for the
18 percentage of students scoring at proficient, (D) seventy-five per cent
19 for the percentage of students scoring at goal, and (E) one hundred per
20 cent for the percentage of students scoring at advanced.

21 (4) "District subject performance index for reading" means thirty per
22 cent multiplied by the sum of the mastery test data of record, as
23 defined in section 10-262f of the general statutes, for a district for
24 reading weighted as follows: (A) Zero for the percentage of students
25 scoring below basic, (B) twenty-five per cent for the percentage of
26 students scoring at basic, (C) fifty per cent for the percentage of
27 students scoring at proficient, (D) seventy-five per cent for the
28 percentage of students scoring at goal, and (E) one hundred per cent
29 for the percentage of students scoring at advanced.

30 (5) "District subject performance index for writing" means thirty per
31 cent multiplied by the sum of the mastery test data of record, as
32 defined in section 10-262f of the general statutes, for a district for
33 writing weighted as follows: (A) Zero for the percentage of students
34 scoring below basic, (B) twenty-five per cent for the percentage of
35 students scoring at basic, (C) fifty per cent for the percentage of
36 students scoring at proficient, (D) seventy-five per cent for the
37 percentage of students scoring at goal, and (E) one hundred per cent
38 for the percentage of students scoring at advanced.

39 (6) "District subject performance index for science" means ten per
40 cent multiplied by the sum of the mastery test data of record, as
41 defined in section 10-262f of the general statutes, for a district for
42 science weighted as follows: (A) Zero for the percentage of students
43 scoring below basic, (B) twenty-five per cent for the percentage of
44 students scoring at basic, (C) fifty per cent for the percentage of

45 students scoring at proficient, (D) seventy-five per cent for the
46 percentage of students scoring at goal, and (E) one hundred per cent
47 for the percentage of students scoring at advanced.

48 (7) "Educational reform district" means a school district that is in a
49 town that is among the ten lowest district performance indices when
50 all towns are ranked highest to lowest in district performance indices
51 scores.

52 [The] (b) On or before April 1, 2012, the Commissioner of Education
53 may identify schools to participate in a pilot study for the purposes of
54 promoting best practices in early literacy and closing the academic
55 achievement gaps. For the school year commencing July 1, 2012, and
56 any school year thereafter in which the pilot study is conducted, the
57 Commissioner of Education may select additional schools to
58 participate in the pilot study, provided such schools are located in
59 educational reform districts. The pilot study may assess the reading
60 levels of students more than two times a year and utilize various
61 assessment tools, including, but not limited to, assessments conducted
62 pursuant to section 10-265g of the general statutes, as amended by
63 public act 11-85, and assessments developed or approved pursuant to
64 section 2 of this act. The Commissioner of Education may waive the
65 assessments, described in said section 10-265g, for certain grade levels
66 in participating schools. The schools participating in the pilot study
67 shall comply with federal assessment requirements. The Department
68 of Education may research and evaluate participating schools and such
69 research and evaluation may be conducted in conjunction with
70 external groups or organizations. The commissioner may accept funds
71 from private sources and from any state or federal grants. Not later
72 than October 1, 2013, the department shall report to the joint standing
73 committee of the General Assembly having cognizance of matters
74 relating to education, in accordance with the provisions of section 11-
75 4a of the general statutes, on the findings of the pilot study. [For
76 purposes of this section, "achievement gaps" means the existence of a
77 significant disparity in the academic performance of students among
78 and between (1) racial groups, (2) ethnic groups, (3) socioeconomic

79 groups, (4) genders, and (5) English language learners and students
80 whose primary language is English.]

81 Sec. 2. (NEW) (*Effective July 1, 2012*) On or before July 1, 2014, the
82 Department of Education shall develop or approve reading
83 assessments for use by local and regional boards of education to
84 identify students in kindergarten to grade three, inclusive, who are
85 reading deficient, provided any reading assessments developed or
86 approved by the department include frequent screening and progress
87 monitoring of students. Such reading assessments shall (1) measure
88 phonics, phonemic awareness, fluency, vocabulary, and
89 comprehension, (2) provide opportunities for periodic formative
90 assessment during the school year, (3) produce data that is useful for
91 assisting in the development of individual and classroom instruction,
92 and (4) be compatible with best practices in reading instruction and
93 research.

94 Sec. 3. (NEW) (*Effective July 1, 2012*) (a) Any local or regional board
95 of education identified by the Department of Education that
96 disproportionately and inappropriately identifies minority students as
97 requiring special education services because such students have a
98 reading deficiency in contravention of the provisions of subparagraph
99 (A) of subdivision (4) of subsection (a) of section 10-76ff of the general
100 statutes, shall annually submit a report to the department on the plan
101 adopted by such board that reduces the misidentification of such
102 minority students by improving reading assessments and
103 interventions for students in kindergarten to grade three, inclusive.

104 (b) The Department of Education shall study the plans and
105 strategies used by a local or regional board of education that
106 demonstrate improvement in the reduction of the misidentification of
107 minority students requiring special education under this section. Such
108 study shall examine the correlation between improvements in teacher
109 training in the science of reading and the reduction in misidentification
110 of students requiring special education services.

111 (c) For purposes of this section, "minority students" means those

112 whose race is defined as other than white, or whose ethnicity is
113 defined as Hispanic or Latino by the federal Office of Management and
114 Budget for use by the Bureau of Census of the United States
115 Department of Commerce.

116 Sec. 4. (NEW) (*Effective July 1, 2012*) (a) On or before July 1, 2014, the
117 Commissioner of Education shall create a program of professional
118 development in reading instruction for teachers. Such program of
119 professional development shall (1) count towards the continuing
120 education requirements pursuant to subsection (i) of section 10-145b of
121 the general statutes, (2) be based on data collected from student
122 reading assessments, (3) provide differentiated and intensified training
123 in reading instruction for teachers, (4) be used to identify mentor
124 teachers who will train teachers in reading instruction, and (5) outline
125 how model classrooms will be established in schools for reading
126 instruction.

127 (b) The Commissioner of Education shall annually review the
128 continuing education training required under subdivision (1) of
129 subsection (i) of section 10-145b of the general statutes for certified
130 employees who hold a professional educator certificate with an early
131 childhood nursery through grade three or an elementary endorsement
132 and who hold a position requiring such an endorsement. The
133 commissioner shall assess whether such training meets the state goals
134 for student academic achievement through implementation of the
135 common core state standards adopted by the State Board of Education,
136 research-based interventions and the Individuals With Disabilities
137 Education Act, 20 USC 1400 et seq., as amended from time to time. The
138 commissioner shall submit such review to the joint standing committee
139 of the General Assembly having cognizance of matters relating to
140 education, in accordance with the provisions of section 11-4a of the
141 general statutes.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	July 1, 2012	PA 11-85, Sec. 5
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Sec. 2	<i>July 1, 2012</i>	New section
Sec. 3	<i>July 1, 2012</i>	New section
Sec. 4	<i>July 1, 2012</i>	New section

ED *Joint Favorable Subst. C/R* APP

APP *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Education, Dept.	GF - Implements the Budget	1,000,000	See Below
Education, Dept.	GF - Cost	500,000	500,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various changes to early literacy and results in \$1.5 million in costs in FY 13, to the State Department of Education (SDE). Of these costs, \$1.0 million is included in sHB 5014, the revised FY 13 budget bill, as favorably reported by the Appropriations Committee. A further explanation of the impact is identified below.

Section 1 expands the existing pilot program for the purposes of promoting best practices in early literacy and closing the academic achievement gap. Currently, there are 11 schools in 6 districts that have enacted this pilot program. sHB 5014, the revised FY 13 budget bill, as favorably reported by the Appropriations Committee, appropriated \$1.0 million for this purpose. The bill does not specify an end date for the pilot program, so it is unclear if the \$1.0 million would be required in FY 14. It is anticipated that this additional funding would allow SDE to pilot this program in 11 additional schools, which must be in the educational reform districts.

Section 2 requires local and regional school districts that have enacted a pilot program, to annually monitor and report on the impacts and outcomes of the program. It is not anticipated that this would result in any additional fiscal impact, as there is existing staff

with expertise in this area.

Section 3 requires SDE to develop or approve reading assessments to identify students in kindergarten through grade 3 who are deficient in reading instruction. It is not anticipated that this would result in any additional fiscal impact, as there is existing staff with expertise in this area.

Section 4 requires SDE to identify any local or regional board of education that disproportionately or inappropriately identifies minority students as requiring special education as a result of a reading deficiency. SDE is responsible to report on this requirement and to study local and regional plans to reduce the misidentification of minority students. It is not anticipated that this would result in any additional fiscal impact, as there is existing staff with expertise in this area.

Section 5 requires the Commissioner of Education to develop a program of professional development for reading instruction for teachers. It is estimated that this program would cost approximately \$500,000, based on similar professional development programs that have been established. sHB 5014, the revised FY 13 budget bill, as favorably reported by the Appropriations Committee, appropriated \$4.0 million for the purposes of talent development, which included funding for professional development.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5350*****AN ACT CONCERNING THE EXPANSION OF THE PILOT STUDY OF BEST PRACTICES IN EARLY LITERACY AND CLOSING ACADEMIC ACHIEVEMENT GAPS.*****SUMMARY:**

This bill expands an existing early literacy pilot study and creates a method for determining which school districts are eligible to have their schools participate. It also requires the State Department of Education (SDE) to:

1. develop or approve new K through third grade reading assessments,
2. monitor school districts that over-identify minority students for special education, and
3. establish a teacher professional development program in reading instruction.

It also makes conforming and technical changes.

EFFECTIVE DATE: July 1, 2012

§ 1 -- EARLY LITERACY PILOT EXPANSION

Under PA 11-85, the education commissioner is authorized to (1) conduct a pilot study to promote best practices in early literacy and closing academic achievement gaps and (2) identify schools to participate in the study. The bill authorizes the commissioner, for the school year starting July 1, 2012 and each following year, to select additional schools to participate in the pilot, but they must be located in educational reform districts.

The bill defines an “educational reform district” as a school district in a town that is among the 10 lowest district performance indices (DPI) when all towns are ranked highest to lowest in DPI scores. The bill defines how DPI is calculated.

By law, the pilot study can use various assessment tools, including those used in the summer reading program and the reading assessments SDE develops or approves under the bill (see below). The study may also assess students more frequently than otherwise required.

By law and unchanged by the bill, “achievement gaps” mean a significant disparity in the academic performance of students among and between (1) racial groups, (2) ethnic groups, (3) socioeconomic groups, (4) genders, and (5) English language learners and students whose primary language is English.

District Performance Index

A town’s DPI is its students’ weighted performance on the statewide mastery tests in reading, writing, and mathematics given in grades three through eight and 10, and science in grades five, eight, and 10. The index is calculated by:

1. weighting student scores in each of these subjects as follows: zero for below basic (the lowest score), 25% for basic, 50% for proficient, 75% for goal, and 100% for advanced;
2. adding the weighted student scores for each subject;
3. multiplying the aggregate student results in each subject by 30% for math, reading, and writing and 10% for science; and
4. adding the weighted subject scores.

The weightings mean the districts with the lowest test scores receive the lowest DPI. A zero score means all students scored below basic and 100% means all students scored at the advanced level.

Under the bill, the test score data used for the index is either (1) the data of record on the December 31st following the tests, or (2) that data as adjusted by SDE according to a board of education's request for an adjustment filed by the November 30th following the test.

Under the bill's definition, it is unclear how the DPI will be applied to districts that do not have a high school and therefore do not have 10th grade scores to include in their DPI. Also, there is a similar problem for regional school districts that begin either at the middle school or high school level and therefore do not have grade school scores to include in their DPI.

§ 2 -- NEW STATEWIDE READING ASSESSMENTS

The bill requires SDE, by July 1, 2014, to develop or approve reading assessments that districts must use to identify K through third grade students who are reading deficient.

The bill requires the assessments to:

1. include frequent student screening and progress monitoring;
2. measure phonics, phonemic awareness, fluency, vocabulary, and comprehension;
3. allow for periodic formative assessment during the school year;
4. produce data that is useful for developing individual and classroom instruction; and
5. be compatible with best practices in reading instruction and research.

§ 3-- OVER-IDENTIFYING MINORITY STUDENTS FOR SPECIAL EDUCATION

The bill requires SDE to identify school districts that disproportionately and inappropriately identify minority students as requiring special education due to reading deficiencies. It requires these districts to submit annual reports to SDE describing their plan to

reduce the misidentification of minority students by improving reading assessments and interventions for students in K to third grade.

Furthermore, the bill requires SDE to study the plan and strategies the districts use that demonstrate improvement in this area. The SDE study must examine the correlation between improvements in teacher training in the science of reading and the reduction in misidentification of students requiring special education services.

For this portion of the bill, “minority students” means those whose race is defined other than white, or whose ethnicity is defined as Hispanic or Latino by the federal Office of Management and Budget for U.S. Census use.

§ 4 – PROFESSIONAL DEVELOPMENT

By July 1, 2014 the bill requires the education commissioner to establish a professional development program in reading instruction for teachers.

The program must:

1. count towards continuing education requirements,
2. be based on student reading assessment data,
3. provide differentiated and intensified training in teacher reading instruction,
4. be used to identify mentor teachers who will train teachers in reading instruction, and
5. outline how model classrooms will be established in schools for reading instruction.

The bill also requires the education commissioner to annually review the continuing education training required under law for teachers with a professional certificate who hold an early childhood nursery through third grade or elementary school endorsement and

hold a job requiring such endorsement. The commissioner must assess whether the training meets state goals for student academic achievement through implementation of (1) the State Board of Education-adopted common core standards, (2) research based interventions, and (3) federal special education law (IDEA, 20 U.S.C. § 1400 et seq.). He must submit his review to the Education Committee.

BACKGROUND***Related Bill***

Section 3 of sSB 24 (File 416), An Act Concerning Educational Competitiveness, also creates a DPI using the same method as this bill.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute Change of Reference

Yea 32 Nay 1 (03/14/2012)

Appropriations Committee

Joint Favorable Substitute

Yea 54 Nay 0 (04/03/2012)